

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

NARVIEZ V. ALEXANDER,

Petitioner,

vs.

HOWARD SKOLNIK, *et al.*,

Respondents.

3:10-cv-0584-LRH-VPC

**ORDER**

Narviez Alexander, a Nevada prisoner, is proceeding in this court on a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has filed a motion for leave of court to proceed with discovery (ECF No. 4) along with a motion for evidentiary hearing (ECF No.12), a motion to extend copywork (ECF No. 19) and a motion requesting judicial intervention (ECF No. 22) . The matters are ready for review.

The matters are fully briefed and petitioner need file nothing further in the matter at this time. Therefore, his motion to extend the copy limit shall be denied without prejudice. Should matters proceed and additional briefing be required, the Court will revisit this request.

The motions for an evidentiary hearing and for discovery shall also be denied. It is within the Court's discretion to permit or deny discovery in an action on a petition for writ of habeas corpus based upon the requesting party's showing of good cause therefor. Rules Governing Habeas Petitions, Rule 6(a). Petitioner has not demonstrated good cause for discovery in this matter. The information he seeks cannot be provided to him without jeopardizing the security of the Nevada prisons wherein petitioner has or does reside as well as the safety and security of the person or

1 persons who provided the confidential information contained in the confidential report.

2       However, in order to assure that the Court has and properly considers all the facts available to  
3 the state court, respondents shall be directed to file with the Court under seal the confidential  
4 information relied upon by the disciplinary hearings officer in concluding petitioner was guilty of the  
5 disciplinary charges. *See* Rules Governing Section 2254 Actions, Rule 7.

6       The Court shall also require production of a transcript of the audio tapes made of the  
7 disciplinary hearings conducted on August 7, 2009 and November 8, 2009, or if such transcript is not  
8 readily available, a copy of the audio tapes themselves shall be filed under seal for the Court's  
9 review.

10       Once these items have been submitted, the Court will consider the merits of the petition.

11       The motion for the court's intervention in preventing respondents from alleging negative  
12 facts against petitioner shall be denied as it is frivolous.

13       **IT IS THEREFORE ORDERED** that respondents shall within twenty (20) days file under  
14 seal a copy of the Confidential Investigation Report and a transcript or copy of the audio tapes of the  
15 disciplinary hearings conducted on August 7, 2007 and November 8, 2009, which are the subject of  
16 this action. If a transcript of the disciplinary proceedings is entered, respondents shall provide a  
17 certificate of authentication as to the contents of the transcript, signed by the individual who  
18 prepared the same.

19       **IT IS FURTHER ORDERED** that petitioner's motions (ECF Nos. 4, 12, 19 and 22) are  
20 **DENIED.**

21       DATED this 25th day of April, 2011.

22 

23  
24  
25 

---

LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE